

ANTHONY E. MCNAMER, OSB #00138

anthony@mcnamerlaw.com

DEBORAH E. GUMM, OSB#040646

deborah@mcnamerlaw.com

MCNAMER AND COMPANY P.C.

1400 SW Fifth Ave., Ste. 300

Portland, Oregon 97201

Telephone: (503) 727-2500

Facsimile: (503) 727-2501

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

LEONARD D. DUBOFF, an individual,

Case No. 3:13-CV-00436-SI

Plaintiff

**PLAINTIFF'S ANSWER TO
DEFENDANTS' COUNTERCLAIMS**

v.

THE UNIVERSITY OF CHICAGO, an
Illinois not-for-profit corporation;
LAWPROSE, INC., a Texas corporation;
BRYAN A. GARNER, an individual

DEMAND FOR JURY TRIAL

Defendants.

Plaintiff Leonard D. DuBoff ("DuBoff") answers Defendant The University of Chicago, Lawprose, Inc. and Bryan A. Garner's Counterclaims as follows:

COUNTERCLAIMS

1. Plaintiff lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of Defendants' Counterclaims, and therefore, denies the same.

2. Plaintiff lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of Defendants' Counterclaims, and therefore denies the same.

3. Plaintiff lacks information sufficient to form a belief as to the truth of the

allegations in Paragraph 3 of Defendants' Counterclaims, and therefore denies the same.

4. Plaintiff admits the allegations of Paragraph 4 of Defendants' Counterclaims.

5. Plaintiff admits the allegations of Paragraph 5 of Defendants' Counterclaims

6. Plaintiff admits the allegations of Paragraph 6 of Defendants' Counterclaims.

7. Plaintiff admits the allegations of Paragraph 7 of Defendants' Counterclaims.

8. Plaintiff admits that Defendants purport to bring a counterclaim under the statutes cited, but deny all other allegations in Paragraph 8.

9. Plaintiff admits he seeks to enforce his exclusive trademark rights in his registered marks, but deny all other allegations in Paragraph 9.

10. Plaintiff denies the allegations in Paragraph 10 of Defendants' Counterclaims.

11. Plaintiff lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of Defendants' Counterclaims, and therefore denies the same.

12. Plaintiff lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of Defendants' Counterclaims, and therefore denies the same.

13. Plaintiff denies the allegations in Paragraph 13 of Defendants' Counterclaims.

14. Plaintiff lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of Defendants' Counterclaims, and therefore denies the same.

15. Plaintiff denies the allegations in Paragraph 15 of Defendants' Counterclaims.

16. Plaintiff lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of Defendants' Counterclaims, and therefore denies the same.

17. Plaintiff admits the quoted material in Paragraph 17 of Defendants' Counterclaim is an out-of-context quote from Plaintiff's response to the U.S. Patent and Trademark Office's Office Action relating to Plaintiff's Registered Trademark No. 1,402,649. Plaintiff denies all

other allegations in Paragraph 17.

18. Plaintiff denies the allegations in Paragraph 18 of Defendants' Counterclaims.

19. Plaintiff denies the allegations in Paragraph 19 of Defendants' Counterclaims.

COUNT I

CANCELLATION OF REGISTRATION NO. 3,553,125

20. Plaintiff incorporates by reference his responses to Paragraphs 1 through 19 as if fully set forth herein.

21. Plaintiff denies the allegations in Paragraph 21 of Defendants' Counterclaims.

22. Plaintiff denies the allegations in Paragraph 22 of Defendants' Counterclaims.

23. Plaintiff denies the allegations in Paragraph 23 of Defendants' Counterclaims.

24. Plaintiff denies the allegations in Paragraph 24 of Defendants' Counterclaims.

25. Plaintiff denies the allegations in Paragraph 25 of Defendants' Counterclaims.

COUNT II

CANCELLATION OF REGISTRATION NO. 1,402,649

26. Plaintiff incorporates by reference his responses to Paragraphs 1 through 25 as if fully set forth herein.

27. Plaintiff denies the allegations in Paragraph 27 of Defendants' Counterclaims.

28. Plaintiff denies the allegations in Paragraph 28 of Defendants' Counterclaims.

29. Plaintiff denies the allegations in Paragraph 29 of Defendants' Counterclaims.

30. Plaintiff denies the allegations in Paragraph 30 of Defendants' Counterclaims.

COUNT III

MODIFICATION OF REGISTRATION NO. 3,553,125

31. Plaintiff incorporates by reference his responses to Paragraphs 1 through 30 as if

fully set forth herein.

32. Plaintiff denies the allegations in Paragraph 32 of Defendants' Counterclaims.

COUNT IV

MODIFICATION OF REGISTRATION NO. 1,402,649

33. Plaintiff incorporates by reference his responses to Paragraphs 1 through 32 as if fully set forth herein.

34. Plaintiff denies the allegations in Paragraph 34 of Defendants' Counterclaims.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. Dismissing Defendants' Counterclaims in their entirety, with prejudice;
2. Declaring this case to be exceptional under 15 U.S.C. § 1117(a) and awarding to Plaintiff his reasonable attorneys' fees;
3. Ordering Defendants to pay Plaintiff the fees and costs he incurred as a result of Defendants' Counterclaims; and
4. Such other relief the Court deems just and proper, including prevailing party fees and costs.

DATED this 2nd day of May, 2013.

MCNAMER AND COMPANY P.C.

By s/Anthony E. McNamer

Anthony E. McNamer, OSB #00138
Deborah E. Gumm, OSB#040646
MCNAMER AND COMPANY P.C.
1400 SW Fifth Avenue, Suite 300
Portland, Oregon 97201
Telephone: (503) 727-2500
Facsimile: (503) 727-2501

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the following:

PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIMS

was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 2, 2013.

MCNAMER AND COMPANY

By: s/Deborah Gumm/
Deborah Gumm